

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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CARL BARELL,

Plaintiff,

MEMORANDUM AND ORDER

-against-

Misc. No. 12-0684 (LDW)

UNITED STATES OF AMERICA,

Defendant.

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WEXLER, District Judge

Pro se plaintiff Carl Barell (“Barell”) brings this motion to expunge his 1990 conviction for “Use of an Unauthorized Access Device,” to which he pleaded guilty in this Court. The government opposes the motion.

Barell requests that his conviction be expunged because he “would like to have a clean record.” He claims that he is disabled, that he is a veteran (having served honorably as a United States Marine for four years, including 33 days of combat duty), and that he has stayed out of trouble since his conviction.

Assuming that this Court has ancillary jurisdiction or inherent power to expunge a valid judicial record of conviction, *see United States v. Barlow*, No. 01-CR-114-A, 2012 WL 125150, at *1-2 (W.D.N.Y. Jan. 17, 2012), such relief would require a showing of “extreme” circumstances, *see United States v. Schnitzer*, 567 F.2d 536, 539 (2d Cir. 1977); *United States v. Rosen*, 343 F. Supp. 804, 807 (S.D.N.Y. 1972). While the Court is not unsympathetic to Barell’s disability and honorable military service, he does not meet that standard. *See, e.g., Barlow*, 2012 WL 125150, at *2 (“The hardships that the defendant attributes to her felony conviction, primarily her inability to obtain and maintain suitable work because prospective employers will

not hire her because of her criminal record, are routine collateral consequences of a felony criminal conviction and are not the kind of unusual and extraordinary hardships that could justify the exercise of equitable jurisdiction to expunge the judicial record of the conviction.”); *Fernandez v. United States*, Nos. 09-MC-326 (CPS), 98-CR-902, 2009 WL 2227140, at *2 (E.D.N.Y. July 24, 2009). Accordingly, Barrel’s motion is denied.

For the above reasons, plaintiff Barrel’s motion is denied. The Clerk of Court is directed to mail a copy of this Memorandum and Order to plaintiff and to close the file.

SO ORDERED.

_____/s/
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
May 22, 2013